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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/523,495

04/12/2005

Ian Woodburn Hooley

93749

3388

24628 7590 01/30/2007
WELSH & KATZ, LTD
120 S RIVERSIDE PLAZA
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CHICAGO, IL 60606

EXAMINER

GRAINGER, QUANA MASHELL

ART UNIT

PAPER NUMBER

2852

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No. 10/523,495	Applicant(s) HOOLEY, IAN WOODBURN	
	Examiner Quana M. Grainger	Art Unit 2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-10,12-14 and 16-18 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-10,12-14 and 16-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-5, 7-10, 12-14, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boerger (5,678,146) in view of Nachel.

Boerger teaches an enlarging and reducing template comprising a sheet of material; a series of individually identifiable regions marked on said sheet (figure 2), each region having a shape and area related by a scaling factor to an output sheet size of a copying machine, the scaling factor respectively corresponding to each region being indicated on said sheet, whereby the scaling factor to perform an enlarging copying operation on the copying machine in respect of an original image can be determined by positioning the original image on or under the template and determining the region on the template into which the original image fits in a desired manner (column 3, line 64 - column 5, line 14; figures 2, 3, 6, 7). The material is translucent so that the area occupied by an image can be determined when the template is placed over the image. The location of each region is related to the imaging area of the copying machine. The position of each region corresponds to the position in which the image to be enlarged by the associated scaling factor should be positioned within the imaging region of the copying machine. The dimensions of the template correspond to the size of an imaging region of the copying machine and an output sheet size (figure 2). The output sheet is a standard sheet

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size. The template is rectangular and the regions are defined by two intersecting edges of the template and two intersecting lines marked on the template each of the lines being parallel to one of the intersecting edges. The regions form a series of overlapping rectangles. The graduations are provided between adjacent rectangles to provide for interpolation of the scaling factor (14, 16, 18, 22).

Boerger teaches a reducing template for use in copying an image, said template comprising a sheet of material; a series of individually identifiable regions marked on said sheet, each region having a shape and area related by a scaling factor to an imaging area of a copying machine, the scaling factor for each region being indicated on said sheet, whereby the scaling factor to perform a selected copying operation on the copying machine in respect of an original image can be determined by determining the region on the template corresponding to a desired image size (column 3, line 64- column 5, line 14; column 5, line 43 – column 6, line 34).

Boerger teaches L-shape guides that define identifiable rectangular regions but does not specifically teach that the each region has a rectangular shape.

Nachel teaches a template that is transparent and has plural rectangular shape regions. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of Nachel with the template of Boerger since the template is placed on top of an image and aid in the selection of size and shape for the image (column 1, lines 1-17; column 2, line 47- column 3, line 12).

Response to Arguments

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

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Prior Art

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wilson et al., Brown, Desai, and Davis teach pertinent prior art templates for reducing, enlarging, and cropping.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

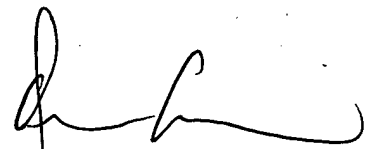
Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quana M. Grainger whose telephone number is 571-272-2135. The examiner can normally be reached on 8am-6pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on 571-272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Quana M Grainger
Primary Examiner
Art Unit 2852

QG